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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,520	01/12/2004	Larry Keith Bruening	2429/SPRI.106545	1396
32423 7590 08/26/2009 SPRINT COMMUNICATIONS COMPANY L.P. 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			EXAMINER ADDY, THJUAN KNOWLIN	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 08/26/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

SPRINT COMMUNICATIONS COMPANY L.P.
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK KS 66251-2100

In re Application of:
BRUENING, LARRY KEITH, et al.
Application Serial No.: 10/755,520
Filed: January 12, 2004
For: **CALL-ROUTING SYSTEM AND METHOD**

**DECISION
ON PETITION**

This is a decision on the petition to vacate an improper final rejection, filed March 9, 2009, pursuant to 37 CFR § 1.181.

Petitioner alleges that the examiner erred made an improper omnibus rejection of the claims by not explaining in detail where each limitation is of certain claims is found in the prior art.

The examiner finally rejected pending claims (1-5, 8-23 and 25-41) under 35 USC 102(e) as being anticipated by Bravin et al. (US Patent Application Publication No. (US 2006/0026001).)

Petitioner states that only a single paragraph was used to reject the claims. It is further urged that the rejection amounts to an omnibus rejection.

MPEP 707.07(d) states in part "...An omnibus rejection of the claim 'on the references and for the reasons of record' is stereotyped and usually not informative and should therefore be avoided. This is especially true where certain claims have been rejected on one ground and other claims on another ground. A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group."

A review of the final Office action reveals that nearly five pages of explanation is provided to support the rejection. Nevertheless, the number of paragraphs or pages is irrelevant as to whether a rejection of the claims is proper under a particular statute. In the instant situation the examiner's rejection and explanation thereof is informative in nature.

Even assuming *arguendo* that the rejection amounted to an "omnibus" rejection, this is not a petitionable matter. It is one for appeal. That is, are the claims properly rejectable under the merits of the evidence provided. The question raised here is not one of formality as to whether the finality is pre-mature or faulty on other formal grounds, but rather, whether or not the rejection is sustainable in view of the merits of the evidence and explanation of record.

Accordingly, the petition to withdraw finality is **DENIED**.

The application file will be forwarded to the appropriate Office personnel for treatment of the Pre-Appeal Request for Review in due course.

A handwritten signature in cursive script, reading "Mark R. Powell". The signature is written in dark ink and is positioned above a horizontal line.

Mark R. Powell, Director
Technology Center 2600
Communications